

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR., and ROSLYN)
WOODARD SMITH, individually and as)
Administrators of the ESTATE OF HARRY)
SMITH, III)

Plaintiffs,)

v.)

CITY OF WILMINGTON, JOHN)
CIRITELLA, THOMAS DEMPSEY and)
MATTHEW KURTEN,)

Defendants.)

C.A. No. 04-1254-GMS

JURY TRIAL DEMANDED

AFFIDAVIT OF DEBORAH DONOHUE

COUNTY OF NEW CASTLE)
) SS:
STATE OF DELAWARE)

Deborah Donohue being first duly sworn, deposes and says that:

1. I am a Sergeant with the Wilmington Police Department and held that same rank on September 13, 2003.

2. On the evening of September 13, I was in a marked police car proceeding southbound on Washington Street in Wilmington when a motorist flagged me down and told me there was an incident involving other officers behind me on Washington Street. I made a u-turn on Washington Street at 11th Street and proceeded north on Washington Street toward the scene.


3. I then observed what appeared to be a struggle between two uniformed police officers and an unknown male. I observed the unknown male enter the patrol car used by the two officers and heard what sounded like a shot being fired. At this time I heard a radio broadcast from one of the officers: "He's got the car" or words to that effect.

4. The stolen police car sped south on Washington Street and I made a u-turn to follow. I may have made contact with the stolen police car as it passed by me. I followed the stolen police car southbound on Washington Street.

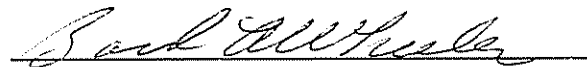
5. At 7th and Washington Streets the stolen police car made a right hand turn and headed west on 7th Street. Seventh Street is a narrow one-way eastbound street. The stolen police car was therefore heading against traffic. I followed the stolen car on 7th Street and observed three vehicles heading eastbound on 7th Street (the correct direction_ pull over to the side to avoid being hit by the stolen police car.

6. At the intersection of 7th and Monroe Streets the stolen police car made a left hand turn and headed southbound on Monroe Street. A Wilmington detective's car was on Monroe Street at the north side of the intersection of 7th and Monroe Street. It followed the stolen police car southbound on Monroe Street and became the lead car in the chase.

7. During the period that I was the lead car in the pursuit (described above) I observed the stolen police car to be traveling erratically and in excess of the posted speed limit.


Deborah Donohue

SWORN to and subscribed before me this
9th day of June, 2006.


Notary Public

BARBARA A. WHEELER
Notary Public - State of Delaware
My Comm. Expires June 20, 2006

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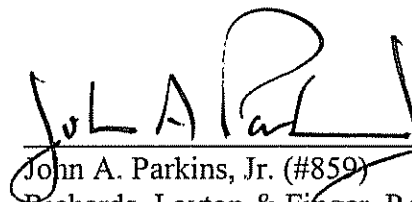
CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

Kester I.H. Crosse, Esquire
Williams & Crosse
1214 King Street
Suite 300
Wilmington, DE 19801

I hereby certify that on June 14, 2006, I have sent by U.S. Regular Mail, the foregoing document to the following non-registered participants:

Anne T. Sulton, Esquire
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